

Paul W. Moncrief, Esq. SBN 204239
JOHNSON & MONCRIEF, PLC
295 S. Main Street, Suite 600
Salinas, CA 93901
Telephone: (831) 759-0900
Facsimile: (831) 759-0902

Attorney for Plaintiff, Owyhee Produce LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

OWYHEE PRODUCE LLC,
Plaintiffs,

v.

KIMBERLY PEREZ, an individual, MARK
PEREZ, an individual, EARLY BIRD
PRODUCE, and DOES 1 through 20, Inclusive,
Defendants.

Case No. C 07-04117 PVT
REQUEST TO ENTER DEFAULT

TO: THE CLERK OF THE ABOVE-ENTITLED COURT

Plaintiff, OWYHEE PRODUCE, LLC, hereby requests that the Clerk of the above-entitled Court enter default in this matter against Defendants Kimberly Perez, Mark Perez, and Early Bird Produce on the grounds that said Defendants have failed to appear or otherwise respond to the Complaint within the time prescribed by the Federal Rules of Civil Procedure. Plaintiff served the Complaint on Defendants on August 17, 2007, evidenced by the Proof of Service of Summons on file with this Court.

The above stated facts are set forth in the accompanying declaration of Paul W. Moncrief filed herewith.

1
2 Dated: September 28, 2007
3

JOHNSON & MONCRIEF, PLC

4 
5 Paul W. Moncrief
6 Attorneys for Plaintiff
7 Owyhee Produce, LLC
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I am employed in the County of Monterey, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 295 S Main Street, Suite 600, Salinas, CA 93901

On the date set forth below, I caused the following document(s) entitled:

REQUEST TO ENTER DEFAULT

to be served on the party(ies) or its (their) attorney(s) of record in this action listed below by the following means:

XX **(BY MAIL)** By placing each envelope (with postage affixed thereto) in the U.S. Mail at Johnson & Moncrief, PLC, 295 S Main Street, Suite 600, Salinas, California. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the U.S. Postal Service, and in the ordinary course of business, correspondence would be deposited with the U.S. Postal Service the same day it was placed for collection and processing.

(BY HAND-DELIVERY) By causing a true copy thereof, enclosed in a sealed envelope, to be delivered by hand to the address(es) shown below.

(BY OVERNIGHT DELIVERY) By placing with Federal Express and/or UPS a true copy thereof, enclosed in a sealed envelope, with delivery charges to be billed to Johnson & Moncrief, PLC at the address(es) shown below.

(BY FACSIMILE TRANSMISSION) By transmitting a true copy thereof by facsimile transmission from facsimile number (831) 759-0902 to interested party(ies) of their attorney of record to said action at the facsimile number(s) shown below.

addressed as follows:

Kimberly Perez
Mark Perez
Early Bird Produce
917 Entrada Street
Soledad, CA 93960

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on October 3, 2007, in Salinas, California.


Sandra Lee Divens